

922 KAR 5:040. Standards for state-funded domestic violence shelters.

RELATES TO: KRS 45.313, 61.870-61.884, 194A.060, 194A.550, 198B.050, 205.455(4), 209.020(2), 209.030(2), (7), 209.140, Chapter 209A, 211.350-211.380, 403.720(1), 620.050, 45 C.F.R. 74, 92, 42 U.S.C. 10401-10420

STATUTORY AUTHORITY: KRS 194A.050(1), 209.030(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the commonwealth. KRS 209.030(1) authorizes the secretary to promulgate administrative regulations to effect the purposes of KRS Chapter 209 governing protective services to adults. KRS 209A.045(2) requires the cabinet to designate one (1) nonprofit corporation in each area development district to serve as the primary service provider and regional planning authority for domestic violence shelter, crisis, and advocacy services in the district in which the designated provider is located. This administrative regulation establishes performance standards for qualifying applicants for state funds related to domestic violence shelters.

Section 1. Definitions. (1) "Agency" means a private or public nonprofit incorporated organization, or organization in the process of obtaining nonprofit status:

(a) That has the capacity to provide domestic violence shelter and related services to a client; and

(b) With whom the cabinet or its designee contracts for services.

(2) "Cabinet" is defined by KRS 209.020(2) and 209A.020(1).

(3) "Client" means a:

(a) Victim as defined by KRS 209A.020(6); and

(b) Dependent child of the victim.

(4) "Dating violence and abuse" is defined by KRS 209A.020(2).

(5) "Director" means an individual responsible for the administration of the domestic violence shelter and related services.

(6) "District" is defined by KRS 205.455(4).

(7) "Domestic violence and abuse" is defined by KRS 209A.020(3).

(8) "Domestic violence shelter" means a program which provides a client:

(a) A safe place to stay; and

(b) Related services including:

1. Counseling;

2. Advocacy;

3. Food; and

4. Information and referral services.

(9) "Governing board" means a legally-constituted group of individuals whose function is to oversee operations of an agency providing domestic violence shelter.

(10) "Professional" is defined by KRS 209A.020(5).

(11) "Reportable incidents" means an occurrence that would require the director of the domestic violence shelter to make a report of the incident to the program's governing board for liability reasons.

(12) "Victim" is defined by KRS 209A.020(6).

(13) "Volunteer" means a person who:

(a) Is either third-party funded or who is donating free service time; and

(b) Works directly in the domestic violence shelter or is performing a related service at the

request of the director.

Section 2. Management. (1)(a) Each agency shall be managed by a governing board constituted to allow broad community participation in its activities.

(b) The governing board shall:

1. Have the authority and responsibility to ensure continuing compliance with this administrative regulation and other relevant federal, state, and local law, including KRS 61.870 to 61.884, 209.030(2) and (7), 209.140, Chapter 209A, and 45 C.F.R. Parts 74 and 92, where applicable;

2. Develop written personnel policy and procedures including:

- a. Job classifications;
- b. Specifications;
- c. A compensation plan;
- d. Attendance and leave policies;
- e. Fringe benefits;
- f. Affirmative action;
- g. Personnel grievance procedures; and
- h. Hiring and firing practices, including lay-off and disciplinary procedures;

3. Adopt written bylaws, including:

- a. The purpose of the agency;
- b. Number of members;
- c. Qualifications for board memberships;
- d. Composition;
- e. The method of selecting members;
- f. Terms of members;
- g. Officers and duties;
- h. Method of electing officers and chairpersons;
- i. Standing committees;
- j. Provision for approval of programs and budgets;
- k. The frequency of board meetings and attendance requirements; and
- l. Provision for official record of meetings and action taken; and

4. Be responsible for ensuring that all reports, records, or information deemed necessary to determine fiscal, administrative and programmatic effectiveness are submitted to the cabinet or its designee.

(2)(a) A domestic violence shelter shall create an advisory board for the purpose of studying and recommending functions to the governing board if the governing board provides no direct oversight to the domestic violence shelter.

(b) The governing board shall:

1. Not delegate the responsibility of the final approval, responsibility, accountability, or direction of agency policy to the advisory board; and

2. Retain responsibility for the functions specified in subsection (1) of this section.

(3) Board meetings shall be conducted in compliance with the most current version of "Robert's Rules of Order".

(4) The governing board shall make a copy of personnel policy and procedures available to staff, volunteers, and the cabinet or its designee.

(5) The governing board and advisory board, if appropriate, shall:

(a) Forward the official minutes of each meeting within thirty (30) days of approval to:

1. Each member of the board; and
2. The cabinet or its designee; and

- (b) Follow the guidelines in the most current version of "Robert's Rules of Order".
- (6) If the agency is a subsidiary of a larger entity, the provisions of subsections (1) through (5) of this section shall apply to the larger entity.

Section 3. Staff. (1)(a) An agency's governing board shall appoint one (1) staff person as a domestic violence shelter director.

(b) The director shall:

1. Have responsibility for supervision of the duties and activities of staff and volunteers;
2. Coordinate domestic violence shelter and related services;
3. Fulfill the duties as required by the governing and advisory board; and
4. Report directly to the board on domestic violence program activities.

(2) The agency shall:

(a) Maintain and assure the provision of competent staff to provide services at the domestic violence shelter as follows:

1. Volunteers shall be under the control and direction of the director even though they are not paid staff; and

2. Staff shall:

- a. Be at least eighteen (18) years of age;
- b. Have education, training, or experience to perform their particular job;
- c. Have a willingness to work with others, including clients coping with multiple issues;
- d. Be knowledgeable in domestic violence and abuse issues; and
- e. Be knowledgeable in dating violence and abuse issues;

(b) Submit to the cabinet or its designee a staffing pattern indicating:

1. Areas of responsibility; and
2. Lines of authority and supervision;

(c) Provide and maintain a record of orientation and in-service training for staff and volunteers responsible for service delivery;

(d) Implement a system to assure compliance with:

1. Affirmative action standards; and
2. Equal opportunity employment standards;

(e) Provide a system for hearing and resolving grievances of staff and volunteers; and

(f) Provide cabinet-approved training:

1. As governed by KRS 194A.550 to all full and part-time staff and volunteers having direct contact with clients; and

2. To Include initial training courses and continuing education courses to be completed at least once every two (2) years.

Section 4. Physical Facilities. (1) The domestic violence shelter shall:

(a) Comply with applicable local, state, and federal building, fire, safety, and health codes relating to construction, sanitation, and building maintenance, including:

1. KRS 45.313;
2. 815 KAR 7:120;
3. 815 KAR 7:125;
4. 815 KAR 10:060;
5. KRS 198B.050; and
6. KRS 211.350 to 211.380;

(b) Be:

1. Of sound construction;
2. Suitable for residential use;

3. Dry; and
4. Adequately heated, ventilated, and lighted; and

(c) Have:

1. Windows, doors, stoves, heaters, furnaces, pipes, and ventilating fans protected;
2. Screening provided for windows and doors unless air-conditioned;
3. Floors free from splinters and easily cleaned; and
4. Gas heaters and stoves properly ventilated.

(2) The domestic violence shelter shall provide a recreation area with comfortable furnishings in sufficient quantity to accommodate the number of children and adults receiving services.

(3) Bedrooms in a domestic violence shelter shall:

(a) Be equipped with a bed or other age- and developmentally appropriate sleeping arrangement of adequate size for each client; and

(b) Have space for each client's belongings, including clothing.

(4) The domestic violence shelter and grounds shall be well maintained.

(5) Each domestic violence shelter shall maintain a security system to provide for the physical safety of the client.

Section 5. Medical and Dental. The domestic violence shelter shall assure that access to emergency medical and dental services are available within the community or within close proximity.

Section 6. Meals. The domestic violence shelter shall provide a client with three (3) meals per day, which shall consist of at least three (3) of the following five (5) basic food groups:

- (1) Grains;
- (2) Vegetables;
- (3) Fruits;
- (4) Dairy products; and
- (5) Meat and beans.

Section 7. Services. (1) The domestic violence shelter shall maintain and provide services on a continuing basis and for as many hours as are necessary to meet the needs of an eligible person.

(2) Staff of the domestic violence shelter shall apprise a client of resources available from:

(a) The domestic violence shelter; and

(b) The community.

(3) Upon a client's entrance into the domestic violence shelter, or if a client is receiving a domestic violence and abuse or dating violence and abuse related service, domestic violence shelter staff shall obtain and record in a client case record the following minimal information:

(a) Name, date of birth, sex, address, marital status;

(b) Name and date of birth of an accompanying dependent; and

(c) Identification of reason for intake.

(4) Upon a client's entrance into the domestic violence shelter, or if a client is receiving a domestic violence related service, domestic violence shelter staff shall obtain and record the following information in a client case record, if observed or needed:

(a) Identification of physical injury;

(b) Medical attention provided; and

(c) Identification of physical condition or ailment, which may impact services to be offered the client.

- (5) Domestic violence shelter staff shall report information:
 - (a) To law enforcement, upon request of the victim, in accordance with KRS 209A.100; and
 - (b) Concerning known or suspected child abuse, neglect, or dependency or abuse, neglect, or exploitation of a vulnerable adult to the cabinet in accordance with KRS 209A.110(2) and (3).
- (6) Upon completion of the gathering of information as required in subsections (3) and (4) of this section, domestic violence shelter staff shall develop a service plan:
 - (a) For each client; and
 - (b) To establish a summary of services needed by the client and available within the domestic violence shelter and community.
- (7) Domestic violence shelter staff shall document and maintain in the client's case record any:
 - (a) Referral of the client for services outside the domestic violence shelter; and
 - (b) Service coordination with other agencies.
- (8) The domestic violence shelter shall:
 - (a) Offer Daily program activities with emphasis upon each client's physical, intellectual, and social needs;
 - (b) Have and enforce a policy, which prohibits possession of weapons, alcohol, or nonprescribed drugs while in the shelter;
 - (c) Provide a locked cabinet for client medication storage;
 - (d) Develop and implement procedures to provide for the movement to more appropriate accommodations for those clients who:
 - 1. Present a danger to self or others; or
 - 2. Refuse to comply with domestic violence shelter rules governing the safety of staff and clients;
 - (e) Establish written procedures to be given to each client upon initial contact describing:
 - 1. The services to be rendered; and
 - 2. A method for handling client complaints including:
 - a. An opportunity for the client to have access to the cabinet's grievance procedure for review in accordance with 922 KAR 1:320, Section 10; and
 - b. The cabinet's access to client records in the possession of each domestic violence shelter for review upon the filing of a service complaint by the client;
 - (f) Assure that services are available to clients in the area development district in which the agency is located;
 - (g) Accept referrals on a statewide basis, if space is available;
 - (h) Cooperate with other domestic violence agencies on a statewide basis;
 - (i) Develop and implement procedures for emergency and temporary domestic violence shelter closure;
 - (j) Maintain a record of reportable incidents involving a client and forward a copy of the incident report to the cabinet or its designee; and
 - (k) Develop and implement a plan for the provision of outreach services in counties of the area development district in which it is located.
- (9)(a) Unless conditions specified in paragraph (b) of this subsection are met, domestic violence shelter staff shall not dispense nor administer medication, but shall allow each client to take their own medication as prescribed.
- (b) Domestic violence shelter staff may dispense or administer emergency medication to a client if:
 - 1. The domestic violence shelter staff has received training on the emergency medication;
 - 2. Emergency medication may be necessary to save a client's life; and

3. Measures are taken to prevent unauthorized access to the emergency medication by a client in the domestic violence shelter.

(10) A domestic violence shelter shall make educational materials available to professionals in accordance with KRS 209A.130.

Section 8. Records. (1) A case record shall be:

(a) Maintained on each client served by the domestic violence shelter during the time that the client is receiving services;

(b) Strictly confidential; and

(c) Shared only in accordance with KRS 209A.070.

(2) Records of the cabinet or its designee in the possession of an agency are strictly confidential and shall be shared with other individuals or organizations:

(a) Only as provided in KRS 209.140, 194A.060, and 620.050; and

(b) With the prior written permission of the cabinet.

(3) The cabinet shall have access to the agency property and to records of services provided, including agency financial and client case records for the purpose of auditing and monitoring.

(4) Domestic violence shelters shall keep client case records for six (6) years after the last day of service. (12 Ky.R. 1197; eff. 2-4-1986; Am. 13 Ky.R. 1781; 2007; eff. 5-14-1987; 15 Ky.R. 1947; eff. 3-15-1989; 20 Ky.R. 2444; 2859; eff. 3-23-1994; 23 Ky.R. 3637; 4159; eff. 6-16-1997; Recodified from 905 KAR 5:040, 10-30-1998; TAm eff 10-29-2004; 32 Ky.R. 785; 1117; eff. 1-6-2006; 44 Ky.R. 826, 1359; eff. 1-5-2018.)